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10/022,797	12/20/2001	Ernest Marvin Thiessen	ICANS2/WAB	4804

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EXAMINER
CHENCINSKI, SIEGFRIED E

ART UNIT	PAPER NUMBER
3695	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/022,797	THIESSEN ET AL.
Office Action Summary	Examiner	Art Unit	
	SIEGFRIED E. CHENCINSKI	3695	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 March 2009</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>30-34</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>30-34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
  application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set
forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this
application is eligible for continued examination under 37 CFR 1.114, and the fee set
forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action
has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March
20, 2009 has been entered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter,
or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

2.   **Claims 30-34 are rejected under 35 U.S.C. 101** because the disclosed
invention is inoperative and therefore lacks utility. Utility is lacking because the last
limitation fails to provide for the possibility that no agreement is achieved. It also fails to
provide for a concrete deadline for the termination of the process. The lack of utility in
independent claim 30 impacts dependent claims 31-34, which depend on independent
claim 30.

3.   **Claims 30-34 are rejected under 35 U.S.C. 101** because the claimed invention
is directed to non-statutory subject matter in independent claim 30. Dependent 31-34
are non-statutory due to their dependence on independent claim 30. The critical
elements of Independent claim 30 lack the statutorily required apparatus, Beginning
with element a), since information received from each party could be received and
viewed by eye and recorded by hand, or other variations of a human controlled
receiving step. Limitations b) through f) have similar statutory problems. Further,
independent claim 30 includes limitations a), b) and d) which can be performed and, in

the instant case, apparently must be performed by human intervention regarding the determination and entry of the plurality of parties' inputs. Human intervention in an invention has a statutory bar. Please see MPEP 2105 and the excerpt from In re Bilski (October 31, 2008, as follows:

(a) 2105 Patentable Subject Matter - Living Subject Matter [R-1] - 2100 Patentability

2105 Patentable Subject Matter - Living Subject Matter [R-1]

The decision of the Supreme Court in *Diamond v. Chakrabarty*, 447 U.S. 303, 206 USPQ 193 (1980), held that microorganisms produced by genetic engineering are not excluded from patent protection by 35 U.S.C. 101. It is clear from the Supreme Court decision and opinion that the question of whether or not an invention embraces living matter is irrelevant to the issue of patentability. The test set down by the Court for patentable subject matter in this area is whether the living matter is the result of **human** intervention.

(b) *In re Bilski:*

The machine-or-transformation test is a two-branched inquiry; an applicant may show that a process claim satisfies § 101 either by showing that his claim is tied to a particular machine, or by showing that his claim transforms an article. See Benson, 409 U.S. at 70. Certain considerations are applicable to analysis under either branch. First, as illustrated by Benson and discussed below, the use of a specific machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent-eligibility. See Benson, 409 U.S. at 71-72. Second, the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity. See Flook, 437 U.S. at 590.

In the instant independent claim 30, there is neither a transformation of an article or a fully automated machine process.

Applicant is advised to satisfy the statutory requirements for the claims. Applicant is also advised not to add any new matter to the specification or the claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4.   **Claims 30-34 are also rejected under 35 U.S.C. 112, first paragraph.**
Specifically, since the claimed invention is not supported by either a tangible asserted
utility, a concrete result or a well established utility for the reasons set forth above in the
rejection under 35 USC 101, one skilled in the art clearly would not know how to use the
claimed invention.

5.   **Claims 30-34 are rejected under 35 U.S.C. 112, first paragraph**, as failing to
comply with the enablement requirement. The claim(s) contains subject matter which
was not described in the specification in such a way as to enable one skilled in the art to
which it pertains, or with which it is most nearly connected, to make and/or use the
invention because the specification contains methods and guidelines which can only be
implemented in a subjective manner, thus preventing two ordinary practitioners of the
art working independently from the possibility of duplicating the results of one another.
Further, independent claim 18 requires numerous subjective decisions to be made by
the participants and by the moderator and the moderator system. Dependent claims 19-
29 are similarly indefinite. Dependent claims 31-34 are also indefinite. Also, the
participants are not required to make inputs and/or specific decisions. The dependent
method claims merely add detailed steps within the uncertain process.
Regarding independent claim 30, the judgments in each step represented by Figures 2
through 10 which are part of the guidelines to the practitioner for performing the
generation of potential agreements by the participants in the process can only be made
in a subjective manner. If the history of observed human behavior is a guide, the same
individuals are likely to make different decisions in different sessions. Their own mental
and emotional state will differ during different times. Their feelings of friendliness or
antagonism, optimism or pessimism, assertiveness, boldness or insecurity, compliance,
rebelliousness or assertiveness level will fluctuate. In a sales or cost management
scenario, these factors will affect their view of how successful they will be in an example
of selling goals and budget will fluctuate. This is why many union-management
agreements are arrived at in the early hours of long negotiation sessions when the
negotiators on both sides are weary and more prone to agree to something just so they

can go home and get some much needed sleep and also bring back a result to their superiors and/or stake holders.

6.   **Claims 30-34 are rejected under 35 U.S.C. 112, first paragraph**, as failing to comply with the written description requirement. The claim(s) contain(s) subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 30 in element b) contains the limitation "determining from said preferences a combined bargaining range of values from least preferred outcome to most preferred outcome for each party for said at least one issue to be resolved". This limitation is not supported in the original disclosure such as the original claims or the specification.

Correction is required. Applicant is advised not to add new matter in complying with this requirement.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   **Claims 30-34 are rejected under 35 U.S.C. 112, second paragraph**, because numerous terms in the claims are relative terms which render the claims indefinite. Independent claim 30 lacks concreteness and tangibility because there are not concrete or tangible bounds to the proposals and suggestions, parameters for agreement, issues to be resolved and parameters for indications of agreement by the parties in the negotiation. Also, the terms "range of values" and "preferences" are vague and indefinite. This affects all of the claims depending on independent claim 30. Regarding dependent claim 31, the term "relative importance" is a relative term which renders the claim indefinite. Further, in independent claim 30, it is unclear that the stated goal of "at least one issue to be resolved" is guaranteed to be achieved. It is unclear how each party's "relative values" and "preferences" will be expressed (element a)). Regarding element c), it is unclear how potential agreements will be evaluated.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7.   **Claims 30-34 are rejected** on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 5,495,412. Although the conflicting claims are not identical, they are not patentably distinct. Applicant's specification supports these grounds for nonstatutory obviousness-type double patenting because Applicant admits in the specification that the instant application is based on the invention of Patent No. 5,495,412, but that it differs through the addition of an "improvement" by adding the feature which "allows decision makers to use blind bidding" (Specification, p. 3, ll. 27-28; p. 6, ll. 1-2). Aggarval et al. (US Patent 6,151,589) discloses the use of blind bidding prior to Applicant's invention. However, Applicant has not claimed this improvement. This makes the current claims mere rewordings of the claims.

Independent claim 1 in the patent recites

"1. A computer-based method for assisting <u>at least two parties involved in a multiple issue negotiation problem</u> toward achieving an optimal mutually satisfactory agreement on decisions to be taken <u>on one or more of said issues</u> comprising the steps of:

  a) providing at least one programmed computer system and an associated interactive graphical interface for interactive input and output of information to and from said computer system, said computer system being programmed to generate at least one proposed <u>agreement on decisions to be taken on one or more of said issues of said negotiation problem</u> in response to entered preference data from each of said parties;

  b) <u>entering</u> into said computer system through said graphical interface information pertaining to <u>each said party's preferences</u> on the outcome of each of said plurality of issues involved in said negotiation problem;

  c) in response to said entering of said information, said programmed computer system:

  i) <u>identifying a tentative agreement</u> to said negotiation problem which is satisfactory to said parties and provides a specified level of satisfaction for each said party;

  ii) generating an improved alternative agreement that is Pareto optimal according to said entered preferences by using linear programming techniques and substantially maximizing the minimum gain in satisfaction that is achieved by any of said parties with the improved alternative agreement as compared to the tentative agreement; and,

  iii) <u>displaying said improved alternative agreement</u> on said graphical interface.".

Independent claim 20 in the patent recites:
"A computer-based method for assisting at least two parties involved in a multiple issue negotiation problem toward achieving an optimal mutually satisfactory agreement on decisions to be taken on one or more of said issues comprising the steps of:

  a) providing a plurality of independent, separate computer systems and associated interactive graphical interfaces, one for each of said parties, each said independent, separate computer system being programmed to receive and process information pertaining to each <u>of said party's preferences</u> on the outcome of each of said plurality of issues involved in said conflict;

b) providing a central computer system located at a neutral site and a plurality of communication links connecting each of said independent, separate computer systems to said central computer system, said central computer system being programmed to receive preference information from each of said independent, separate computer systems and <u>generate at least one proposed agreement to the negotiation problem in response to entered preference information</u> from each of said independent, separate computer systems;

c) <u>each party entering</u> into their corresponding one of said independent, separate computer systems through its associated interactive graphical interface, <u>bargaining range information</u> and <u>satisfaction function information</u> for each of said issues;

d) each party then selecting at least one of a plurality of options for defining satisfaction tradeoffs between issues;

e) transmitting <u>entered preference information comprising</u> said <u>bargaining range</u>, satisfaction function and satisfaction tradeoff information from each of said independent, separate computer systems to said central computer system;

f) said central computer system <u>generating at least one proposed agreement</u> to the negotiation problem in response to said transmitted preference information and <u>transmitting said proposed agreement to each of said independent, separate computer systems</u>; and

g) if all parties involved in said multiple issue negotiation problem agree to said proposed agreement, then causing said central computer system generate an improved alternative agreement that is Pareto optimal according to said entered preference information; and

h) displaying said improved alternative agreement on each of said graphical interfaces of each of said independent, separate computer systems.".

Independent claim 30 of the instant application recites:
"A computer executable method for <u>resolution of a negotiation between at least two parties</u> including <u>at least one issue to be resolved</u>, operative to control a neutral site computer and stored on at least one computer readable medium, said neutral site computer being in communication with at least first and second party computers, said neutral site computer being programmed to carry out the steps of:

a) receiving <u>from each of said party computers, a range of values and preferences</u> associated with said at least one issue to be resolved;

b) determining from said preferences a combined bargaining range of values from least preferred outcome to most preferred outcome for each party for said at least one issue to be resolved;

c) automatically <u>generating a plurality of suggestions</u> that seek to provide a corresponding plurality of potential resolutions to the negotiation, each of said suggestions providing a proposed value for said at least one issue to be resolved, each of which falls within the said combined bargaining range for said at least one issue;

d) <u>sending each of said suggestions to each of said party computers</u>;

e) holding in confidence in said neutral site computer any acceptance indication received from any of said party computers that the party associated with that party computer accepts one or more of said suggestions; and
f) when said neutral site computer determines from all <u>received acceptance indications</u> <u>that all of the parties</u> accept at least one of the same of said suggestions, automatically <u>sending an agreement indication to each of said party</u> computers that the parties have reached an agreement.".

        The instant application's claim 30 is a simplified version of the patent's claims 1 and 20. The patented claims and the instant claims have similar goals as stated in the preambles, namely to resolve or bring to agreement among at least two parties on one or more issues. The claimed methodology for resolving or achieving agreement of an issue follows the same steps of obtaining a range of values and references in the instant claim similar to "each said party's preferences" in the patent's claims 1 and 20. Both the patent's claims and the instant claims include seek bargaining range information. The instant claim then compares the submitted preferences and generates and transmits suggestions having common ground back to the parties. The patent follows a similar steps of comparing the parties submissions and transmits suggestions having common ground back to the parties. Both sets of claims then notify the parties when at least one item of agreement has been accepted by all of the parties in the negotiation.

        The differences are that instant application claim 30 has omitted a number of the technical steps in the patent's clam limitations and an advanced step of attempting to find an improved agreement for all the parties. For example, details such as of the

computer systems steps, graphical user interface and the Pareto optimization are
lacking in the instant claim.

Regarding dependent claim 31-34 in the instant application, these limitations are
contained in various places in claims 1-20 of the patent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148
USPQ 459 (1966), that are applied for establishing a background for determining
obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating
   obviousness or nonobviousness.

8.   **Claims 18-29 are rejected under 35 U.S.C. 103(a)** as being obvious over
Thiessen (U.S. Patent No. 5,495,412).

Re. Claim 30, Thiessen discloses computer executable method for resolution of a
negotiation between at least two parties including at least one issue to be resolved,
operative to control a neutral site computer and stored on at least one computer
readable medium, said neutral site computer being in communication with at least first
and second party computers, said neutral site computer being programmed to carry out
the steps of:

a) receiving from each of said party computers, a range of values and preferences
associated with said at least one issue to be resolved (Computers – Abstract, ll. 5-10;
Receiving proposals – Col. 5, ll. 42-50; range of values – Col. 4, l. 21; preferences –
Abstract – l. 6);

b) determining from said preferences the bargaining range of values from least preferred outcome to most preferred outcome for each party for said at least one issue to be resolved ("the extremes of the range of values" suggests values from the least preferred to the most preferred outcome for each party for said at least one issue to be resolved – Col. 4, l. 21; Col. 3, ll. 22-27, 32);

c) automatically generating a plurality of suggestions that seek to provide a corresponding plurality of potential resolutions to the negotiation, each of said suggestions providing a proposed value for said at least one issue to be res; neutral site computer - olved, each of which falls within the said combined bargaining range for said at least one issue (Col. 5, ll. 52-58);

d) sending each of said suggestions to each of said party computers (Col. 5, ll. 58-60);

e) holding in confidence in said neutral site computer any acceptance indication received from any of said party computers that the party associated with that party computer accepts one or more of said suggestions (Abstract - ll. 14-16; Col. 3, ll. 19-26; Col. 10, ll. 27-28); and

f) when said neutral site computer determines from all received acceptance indications that all of the parties accept at least one of the same of said suggestions, automatically sending an agreement indication to each of said party computers that the parties have reached an agreement (Abstract – ll. 24-25; Col. 10, ll. 38-39, 47-49).

Thiessen does not explicitly disclose in limitation b) the "a combined bargaining range of values" component of "determining from said preferences a combined bargaining range of values from least preferred outcome to most preferred outcome for each party for said at least one issue to be resolved". As stated in the above 35 USC 12-1st paragraph rejection, neither does Applicant's disclosure. However, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to characterize Thiessen's disclosure as essentially "determining from said preferences a combined bargaining range of values from least preferred outcome to most preferred outcome for each party for said at least one issue to be resolved" because in fact this is what the disclosed steps are doing in Thiessen (Col. 3, ll. 22-27, 32; Col. 4, l. 21). Thiessen discloses collecting (determining) the full range of decision values from the from least

preferred outcome to most preferred outcome for each party for said at least one issue to be resolved. This includes the extremes by definition. Further, Thiessen discloses doing this for each party, therefore resulting in the "combined bargaining range of values" preferences of all the parties to the principal parties to the negotiation. Thus, the ordinary practitioner would have see nit as obvious from Thiessen's disclosure that Thiessen discloses or suggests "determining from said preferences a combined bargaining range of values from least preferred outcome to most preferred outcome for each party for said at it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Thiessen with his own knowledge in order to construct a computer executable method for resolution of a negotiation between at least two parties including at least one issue to be resolved, operative to control a neutral site computer and stored on at least one computer readable medium, said neutral site computer being in communication with at least first and second party computers, motivated by a desire to provide a computer-based method and apparatus for assisting multiple parties involved in complex negotiations in reaching an agreement that optimizes the individual and overall benefit to the parties (Thiessen, Col. 1, ll. 9-13).

Re. Claim 31, Thiessen discloses a method wherein said negotiation includes a plurality of issues to be resolved and said neutral site computer is further programmed to determine from said preferences a relative importance of each of said issues to each of said parties; and said step of automatically generating a plurality of suggestions that seek to provide a corresponding plurality of potential resolutions to the negotiation, further comprises generating a plurality of suggestions each of which provides a proposed solution to each of the plurality of issues and provides an overall rating value for each of said parties, said rating value being determined by said neutral site computer based on the relative importance of each of said issues to each of said parties (relative importance - Col. 6, ll. 1-29; Col. 5, ll. 41-46; Col. 7, ll. 42-43; plurality of suggestions - Col. 5, ll. 52-58; overall rating value – Abstract – l. 12; neutral site computer – Abstract- l. 32; Fig. 1, Col. 3, ll. 49-60; Col. 5, ll. 50-52).

Re. Claim 32, Thiessen discloses a method wherein each of said party computers further includes a graphical interface for entering said range of values and preferences associated with said plurality of issues to be resolved to be sent to said neutral site computer; displaying said plurality of suggestions generated by said neutral site computer when said suggestions are received from said neutral site computer; entering one or more acceptance indications to be sent in confidence to said neutral site computer; and, displaying an agreement indication when received from said neutral site compute (graphical interface – col. 3, l. 19; displaying suggestions - Col. 5, l. 34; entering acceptance - col. 3, ll. 11-17; Col. 7, ll. 19-28; displaying an agreement - Fig. 1, Col. 3, ll. 49-60; Col. 5, ll. 50-52).

Re. Claim 33, Thiessen discloses a method wherein each of said party computers further includes a graphical interface for entering said range of values and preferences associated with said at least one issue to be resolved to be sent to said neutral site computer; displaying said plurality of suggestions generated by said neutral site computer when said suggestions are received from said neutral site computer; entering one or more acceptance indications to be sent in confidence to said neutral site computer; and, displaying an agreement indication when received from said neutral site computer (see the rejections of claims 30 - 32).

Re. Claim 34, Thiessen discloses a method wherein the step of generating a plurality of suggestions further comprises generating said plurality of suggestions based on suggestions that have been previously generated by said neutral site computer (Col. 5, ll. 52-60.

Response to Arguments

9.   Applicant's arguments submitted on March 20, 2009 with respect to claims 30-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is

(571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Charles Kyle, can be reached on (571) 272-46

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

or Faxed to (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

or Faxed to (571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

March 22, 2009

/Narayanswamy Subramanian/
Primary Examiner, Art Unit 3695